

WILLARS et al
Serial No. 10/068,000

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Atty Dkt: 2380-601
Art Unit: 2683

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Thank the Examiner for the indication of allowable subject matter in dependent claims 6-7, 9, 11, 15-16, 26-27, 29, 31, 35-36, 46-47, 49-51, 55-56, 63-64, 66, 68 and 72-73, while continuing to urge patentability of all pending claims.
3. Editorially Amend claim 18.
4. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-2, 18-22, 38-42, 58-59 and 75-78 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,212,390 to Rune. Claims 3, 23, 43 and 60 under 35 USC §103(a) as being unpatentable over U.S. Patent 6,212,390 to Rune in view of U.S. Patent 6,438,375 to Muller. Claims 4-5, 8, 10, 13-14, 17, 24-25, 28, 30, 33-34, 37, 44-45, 48, 53-54, 61-62, 65, 67, 70-71 and 74 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,212,390 to Rune in view of U.S. Patent 6,230,017 to Anderson et al. Claims 12, 32, 52 and 60 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,212,390 to Rune in view of U.S. Patent 6,230,017 to Anderson et al and further in view of U.S. Patent 6,438,375 to Muller. All prior art rejections are respectfully traversed for at least the following reasons.

Applicants' independent claims 1, 21, 41, and 48 all refer to the ability of a first operator network to rejected attempted utilization, by a user equipment unit which subscribes to a second operator network, of a restricted cell of the first operator network

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for which the second operator network has a competing cell. Independent claims 1, 21, and 41 further specify that the first operator network does have cells which are eligible for use by the user equipment unit, even though the user equipment unit subscribes to the second operator network and is in the connected mode. Independent claim 75 pertains to a mobile terminal which subscribes to a native network and which, in a connected mode and prior to cell reselection to a target cell, checks whether the target cell is a restricted cell, the restricted cell being both operated by a foreign operator network and competing with a cell operated by the native operator network.

Rune essentially teaches that a service provider 50 may have a "restricted mobility area" (col. 5, lines 61+) or service area (10:31+). Rune's "area" (whether restricted or serviced) is contemplated relative to the service provider's own subscribers (*see, e.g.,* 7:25 - 7:28; 7:66 - 8:4; 8:19 - 8:24; 8:31 +; 8:47+). Even in a situation in which Rune has three core service networks using the same access network (which is a different situation from three access providers), Rune's test for access is whether the subscriber is attempting access from the area covered by the particular core network to which the subscriber belongs (9:26-9:36).

Rune clearly does not teach a subscriber of network B having access to some cells of network A, except cells of network A for which network B has competing cells. In view of this deficiency, Rune does not anticipate and the 35 USC §102(e) rejection must be withdrawn.

Any prior art rejections formulated under 35 USC §103(a) using the applied references must also be withdrawn. All applied references are commonly owned by the owner of the present application. The present application was filed before November 29, 1999, so that 35 USC §103(c) is applicable regarding §103 rejections. It is therefore respectfully requested that all prior art rejections be promptly withdrawn.

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C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.


The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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